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13 LOAY S. NASER

14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION
17

18 LOAY S. NASER,

19 Plaintiff,

20 v.

21 METROPOLITAN LIFE INSURANCE
22 COMPANY, METLIFE ENTERPRISE
GENERAL INSURANCE AGENCY, INC.
23 AND METLIFE SECURITIES,

24 Defendants.

CASE NO. CV 5:10-04475 EJD

**STIPULATION [AND ~~PROPOSED~~
ORDER] TO MODIFY PRE-TRIAL AND
TRIAL DATES**

25
26 Plaintiff LOAY S. NASER (“Plaintiff”) and Defendants METROPOLITAN LIFE
27 INSURANCE COMPANY, METLIFE ENTERPRISE GENERAL INSURANCE AGENCY,
28 INC., AND METLIFE SECURITIES (collectively “Defendants”), by and through their attorneys

of record, hereby stipulate as follows:

Pursuant to the Court's July 3, 2012 Pre-Trial Order (ECF No. 61), the following dates are set in this matter:

EVENT	DATE
Final Pre-Trial Conference	3/15/13 at 11:00 a.m.
Joint Final Pre-Trial Conference Statements, Motions in Limine, and Exchange of Exhibits	3/1/13
Voir Dire Questions, Proposed Jury Instructions, and Proposed Jury Verdict Forms	3/5/13
Jury Selection	3/25/13 at 9:00 a.m.
Jury Trial	3/27/13 (full day); 4/1/13 (½ day); 4/2- 4/4 (full days); 4/8 (½ day); 4/9 (full day); 4/11 (full day); 4/15 (½ day); 4/16- 4/18 (full days)
Jury Deliberations	4/22 – 4/26/13

Counsel for the Plaintiff respectfully requests that the Court extend the pre-trial and trial dates for two reasons. First, counsel for both parties have a religious conflict with the existing pre-trial and trial dates. Specifically, counsel for the Plaintiff is an observant Jew and will be unavailable for trial during the Passover holiday, which begins at sundown on March 25, 2013, and concludes at sundown on April 2, 2013. Counsel for the Defendants, as well as Defendants' in-house counsel, are also Jewish and will be unavailable during the first two days of Passover (March 25th and 27th).

Counsel for the Defendants does not object to counsel for Plaintiff's request to accommodate the Passover holiday. However, the court's trial calendar and counsel for the Defendants' trial schedule is such that the Passover holiday cannot be accommodated by pushing back the dates of the trial as it is currently scheduled.

Specifically, to avoid the Passover holiday, jury selection would need to be moved to Monday, April 8, 2013. To compensate for this move, five full additional trial days would need

1 to be added to the currently-scheduled end-date of April 18, 2013. The trial would then conclude
2 on April 30, 2013, with jury deliberations set for the week of May 6 – 10, 2013.

3 However, defense counsel has a pre-trial conference set for May 1, 2013, and trial set for
4 May 20, 2013, in another matter, *Potter v. MetLife et. al.*, Case 11-C-51, in the Circuit Court of
5 Putnam County, West Virginia. Following that trial, Defense counsel's schedule is such that she
6 is not available until after August 1, 2013: counsel has a pre-trial conference set for June 6, 2013,
7 and trial set for June 18, 2013, in another matter, *Silk v. Heyer, et. al.*, Case No. 2011 L 009961,
8 in the Circuit Court of Cook County, Illinois; and will be out of the country on a pre-paid
9 vacation during the first week of July 2013.

10 Both counsel are thereafter freely available except for the Jewish holidays -- i.e.,
11 September 4-6, 13, 18-20 and 25-27, and for the period from October 28-November 8.

12 Second, counsel for Plaintiff respectfully requests that the Court extend the pre-trial and
13 trial dates because he needs time to obtain new co-counsel and give them an opportunity to
14 properly learn the case and then participate fully in all pre-trial and trial tasks. Specifically, on
15 December 19, 2012, then co-counsel for Plaintiff (i.e., Work/Environment Law Group) filed a
16 Disassociation as Counsel with this Court, which the Court approved on December 20, 2012.

17 Plaintiff has diligently sought a replacement co-counsel and has received expressions of
18 interest, but a lack of willingness to commit to become co-counsel until after the Court rules on
19 the parties' pending motions for summary judgment (ECF Nos. 89 and 94) and Defendants'
20 motion to strike. (ECF No. 71). The three motions are set for Hearing before the Court on March
21 1, 2013, at 9:00 a.m. Once new co-counsel for Plaintiff is retained, co-counsel will need a
22 reasonable time to prepare for trial. Counsel for the Defendants does not object to counsel for the
23 Plaintiff's request, provided that the re-scheduled dates do not conflict with counsel's trial
24 schedule.

25 NOW, THEREFORE, the parties jointly stipulate that they hereby request the Court to (1)
26 vacate the above-noted pre-trial and trial dates set forth in the Court's July 3, 2012 Pre-Trial
27 Order (ECF No. 61); (2) set the start of pre-trial and trial dates to begin on or about August 1,
28 2013; and (3) set the time for (a) Exchange of Exhibits, (b) Submission of Joint Final Pre-Trial

1 Conference Statements, Motions in Limine, Voir Dire Questions, Proposed Jury Instructions and
2 Proposed Jury Verdict Forms, and (c) the Final Pre-Trial Conference in accordance with the new
3 trial date.

4 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

5 Dated: January 25, 2013

6 DLA PIPER LLP (US)

7 By /s/Rachel Cowen

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12 Dated: January 25, 2013

13 By /s/Richard Glickman

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOAY S. NASER,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, METLIFE ENTERPRISE
GENERAL INSURANCE AGENCY,
INC., and METLIFE SECURITIES, INC.,

Defendants.

CASE NO. CV-10-04475-EJD

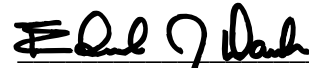
Honorable Edward J. Davila

~~XXXXXX~~ **PROPOSED ORDER MODIFYING PRE-
TRIAL AND TRIAL DATES AS MODIFIED
BY THE COURT**

This matter is before the Court on the parties' Stipulation to Modify Pre-Trial and Trial Dates. Having reviewed the parties' Stipulation, the Court hereby VACATES the dates set in the July 3, 2012 Pre-Trial Order for (a) Exchange of Exhibits, (b) Submission of Joint Final Pre-Trial Conference Statements, Motions in Limine, Voir Dire Questions, Proposed Jury Instructions and Proposed Jury Verdict Forms, (c) the Final Pre-Trial Conference, and (d) Trial0

The Court schedules this action for a Preliminary Pretrial Conference on March 1, 2013 at 11:00 a.m. The parties shall file a Joint Preliminary Pretrial Conference Statement on or before February 22, 2013.

Dated: 1/29/2013


EDWARD J. DAVILA
United States District Judge